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### **REMARKS**

Claims 1-7 and 10-20 are all of the claims presently pending in the application.

Applicants have amended claims 1 and 3 to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 3, 5, 7, and 10-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yasuhara (U.S. Publication No. 2003/0053638). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Applicant's Admitted Prior Art. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Eggers et al. (U.S. Patent No. 5,910,996; hereinafter "Eggers").

Applicants respectfully traverse these rejections in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention (e.g., as defined in claim 1) is directed to an acoustic device.

The acoustic device includes a plurality of sound sources, a first output unit for outputting sound based on sound signals from the sound sources, the first output unit including front speakers, a first operation unit which is capable of turning on a power supply to the acoustic device, a second output unit for outputting sound based on sound signals from the sound sources, a second operation unit which is capable of turning on the power supply to the acoustic device; a mode setting unit setting either one of a first mode, in which the sound

based on the sound signals from one of the sound sources are output from the first output unit, and a second mode, in which while the sound based on the sound signals from one of the sound sources are being output from the first output unit, the sound based on the sound signals from another sound source are output from the second output unit, and a control unit for controlling the mode setting unit to set the first mode or the second mode when the power supply to the acoustic device is turned on by the first operation unit, and controlling the mode setting unit to set the second mode and controlling the front speakers of the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.

Accordingly, in the claimed invention, when the remote operation unit is arranged in the rear of the vehicle, the power source can be turned ON in the dual mode without burdening the operations of the front passenger. (See Application at page 5, lines 1-7). In addition, when the rear passenger turns ON the power source in the dual mode, it is possible to prevent the situation, in which the front passenger might otherwise be threatened by a sudden speaker output, reliably. (See Application at page 11, lines 16-24).

## II. THE PRIOR ART REJECTIONS

### A. The Yasuhara Reference

The Examiner alleges that Yasuhara teaches the claimed invention of claims 1, 3, 5, 7, and 10-20. Applicants respectfully submit, however, that Yasuhara does not teach or suggest each and every feature of the claimed invention.

That is, Yasuhara does not teach or suggest “*the control unit for controlling the mode setting unit to set the second mode and controlling the front speakers of the first output unit to*

*be in a muted state when the power supply to the acoustic device is turned on by the second operation unit.”*

Specifically, in Yasuhara, when the DVD is used to switch the power of the acoustic device the rear speaker 11 becomes muted. That is, when the power supply to the acoustic device is turned on by the second operation unit (DVD), the rear speaker 11 becomes muted.

In Yasuhara, the front speaker 10 and the rear speaker 11 have the same sound source selected by the switch 91, as shown in Figure 9. The headphones 12, 13 have a sound source selected by a switch 92, so that the sound source of the headphones 12, 13 can be different from that of the speakers 10, 11. Applicants submit that the headphones 12, 13 are analogous to the claimed second output unit.

As the Examiner asserts, in Yasuhara, when the power supply is started from DVD 4, a part of the first output unit (rear speaker 11) becomes muted. That is, headphone: ON, front speaker: ON, rear speaker: mute, which corresponds to the ordinary dual mode in the embodiment of the present application (see application at paragraph [0071] of the publication of the present application).

In Yasuhara, the rear speaker 11 becomes muted for preventing interference between sound from the rear speaker 11 and that from the headphone 12, 13. Applicants submit that Yasuhara describes that “when the rear audio source is different from the front audio source, sound does not come out of the rear speaker 11 so as to prevent interference between sound from the front speakers 10 and sound from the rear speaker 11” (see Yasuhara at paragraph [0062]).

In contrast, in an exemplary embodiment of the present invention, when the power supply is turned on from the second operation unit (e.g., external DVD device 7 or rear

operation unit), the acoustic device becomes set in the special dual mode in which the front speaker 10 also becomes muted. Yasuhara does not teach or suggest the special dual mode of the claimed invention.

Thus, the Examiner's assertion that the first output unit becomes muted, based on that only the rear speaker 11 becomes muted, is unreasonable. Since the Examiner analogizes the front speaker 10 and the rear speaker 11 of Yasuhara to the claimed first output unit, it is then necessary to demonstrate that both the front speaker 10 and the rear speaker 11 become muted. Yasuhara, however, fails to teach or suggest this feature.

Indeed, the claimed invention defines, "*a first output unit for outputting sound based on sound signals from the sound sources, the first output unit comprising front speakers*" (emphasis added).

Indeed, Applicants have amended the claims in accordance with the Examiner's suggestion during the personal interview conducted on February 24, 2009.

Therefore, Applicants submit that Yasuhara does not teach or suggest each and every feature of the claimed invention. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

#### **B. Applicant's Admitted Prior Art**

The Examiner alleges that Applicant's Admitted Prior Art would have been combined with Yasuhara to teach the claimed invention of claims 2, 4, and 6. Applicants respectfully submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

First, Applicants have not admitted that the features recited in dependent claims 2, 4,

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and 6 are prior art.

The Examiner bases this allegation on Applicants' alleged failure to rebut the Examiner's taking of Official Notice with respect to the features recited in exemplary dependent claims 2, 4, and 6.

That is, in responding to the Examiner's rejection, it was not necessary for Applicants to address the specific features recited in dependent claims 2, 4, and 6, as Applicants rebutted the Examiner's rejection of the independent claims. Indeed, since the Examiner failed to establish a *prima facie* case of anticipation or obviousness of the independent claims, it was not necessary to address the limitations recited in the dependent claims to rebut the Examiner's rejections.

Accordingly, Applicants have not admitted that the features recited in exemplary dependent claims 2, 4, and 6 are prior art.

Second, Applicants submit that claims 2, 4, and 6 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1, 3, 5, 7, and 10-20.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **C. The Eggers Reference**

The Examiner alleges that one of ordinary skill in the art would have combined Eggers with Yasuhara to teach the claimed invention of claim 21. Applicants respectfully submit,

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however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, claim 21 is allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1, 3, 5, 7, and 10-20.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicants submit that claims 1-7 and 10-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



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